



TRIBAL AND STATE RELATIONS COMMITTEE

Wednesday, September 1, 2021
Walking Eagle Ballroom, Spirit Lake Casino and Resort
7889 Highway 57
St. Michael, North Dakota

Senator Rich Wardner, Chairman, called the meeting to order at 9:04 a.m.

Members present: Senators Rich Wardner, Jessica Bell, Joan Heckaman, Dave Oehlke; Representatives Joshua A. Boschee, Terry B. Jones, Chet Pollert

Members absent: None

Others present: Representatives Ruth Buffalo, Fargo; Dennis Johnson, Devils Lake
Nathan Davis, Executive Director, Indian Affairs Commission; Douglas Yankton, Sr., Chairman, Spirit Lake Tribe
See [Appendix A](#) for additional persons present.

LEGISLATIVE REDISTRICTING

Chairman Yankton noted the tribe sent a representative to a Redistricting Committee meeting to represent the tribe's interest in having the Spirit Lake Reservation be its own legislative district. He noted the reservation is the second smallest in the state, the majority of tribal land is located in one county, and the tribe may have a different opinion on redistricting compared to other tribes due to the reservation's unique geography.

Chairman Wardner noted tribes are encouraged to send representatives to Redistricting Committee meetings to provide tribal input, and the Tribal and State Relations Committee will report to the Redistricting Committee on tribal feedback regarding redistricting.

Representative Boschee noted the only out-of-town meeting approved by the Chairman of the Redistricting Committee is for Fargo, but he would visit with the Chairman regarding meeting in cities near or on reservations.

Chairman Yankton noted the tribe would prefer to be in a separate legislative district from Devils Lake. He also noted the tribe has discussed the concept of legislative subdistricts and may be open to the idea depending on how voting is structured.

Representative Boschee noted only United States census data may be used for redistricting purposes, but future legislation may want to allow census data to be supplemented with tribal enrollment data for more accurate numbers.

STATE-TRIBAL TAX AGREEMENTS

Chairman Yankton noted the tribe may be interested in entering an alcohol or tobacco tax agreement if more favorable terms are negotiated because the current tax revenue allocation formula is not favorable to the tribe.

TAXATION

Chairman Yankton noted concerns regarding the imposition of property tax assessed by the county on land situated within the boundaries of the reservation which is owned by enrolled tribal members. He noted the reservation is predominantly located in Benson County and the county provides services to the reservation, including the servicing of some roads, but the road servicing appears to fluctuate with the makeup of the county commission.

DRUG TRAFFICKING AND LAW ENFORCEMENT

Chairman Yankton noted drug trafficking is an issue of serious concern on the reservation. He noted:

- There is a severe shortage of law enforcement officials to patrol the reservation.
- The biggest issue regarding criminal activity is jurisdictional issues.
- The tribe is interested in entering agreements with different law enforcement agencies to help deter crime.

Mr. Davis noted the tribe passed a resolution to form a law enforcement commission, has been meeting with various law enforcement entities, and the tribe's unique approach to this issue will set a precedent for other tribes.

GAMING AND ELECTRONIC PULL-TAB DEVICES

Chairman Yankton noted the implementation of electronic pull-tab devices has severely impacted tribal gaming revenue, and many tribal social programs are funded through gaming revenue.

Ms. Collette Brown, Executive Director, Gaming Commission, Spirit Lake Tribe, noted tribal gaming revenue decreased by 45 percent the 1st year after electronic pull-tab devices were implemented, and the Legislative Assembly should consider implementing more regulations.

Several committee members expressed concerns regarding electronic pull-tab devices and the desire to establish more regulations on the devices.

Several committee members expressed a desire to receive more information on the financial breakdown of charitable gaming.

EDUCATION

Dr. Cynthia Lindquist, President, Cankdeska Cikana Community College, provided testimony ([Appendix B](#)) regarding enrollment numbers and the need for more resources, staffing, construction, and student housing.

Dr. Lindquist noted the promising fall enrollment numbers likely are due to word of mouth, the college's social media presence, and federal COVID-19 relief funding that has been used to help students with tuition, fees, and books. She noted federal COVID-19 relief only could be used toward student retention and not for construction purposes.

STATE CONSTITUTIONAL PROVISION REGARDING INDIAN LANDS AND RIGHTS

Mr. Mark Van Norman, Special Counsel, Spirit Lake Nation, provided testimony ([Appendix C](#)) regarding amending the Constitution of North Dakota to restore original constitutional provisions relating to the recognition of Indian lands and rights.

FISHING LICENSES

Chairman Yankton noted the tribe has a fishing licensing system, but many individuals purchase a state fishing license rather than through the tribe, and the tribe does not receive a percentage of that revenue.

MEDICAL MARIJUANA DISPENSARY

Chairman Yankton noted he was unaware of a tribal reservation being awarded a medical marijuana dispensary and is interested in having a dispensary located in Indian country or in entering a state-tribal medical marijuana compact.

No further business appearing, Chairman Wardner adjourned the meeting at 2:30 p.m.

Jill Grossman
Counsel

ATTACH:3